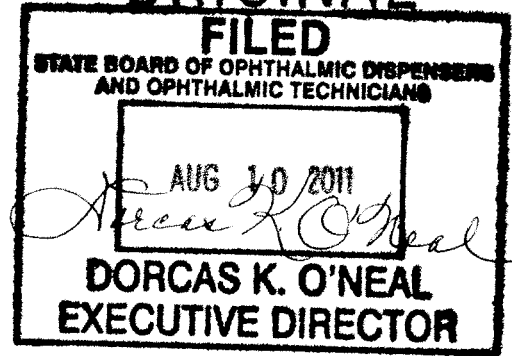


Complaint # 80600

ORIGINAL



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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF OPHTHALMIC DISPENSERS AND
OPHTHALMIC TECHNICIANS

IN THE MATTER OF	:	
	:	ADMINISTRATIVE ACTION
BORIS MAGER	:	
	:	CONSENT ORDER
ENGAGING IN THE UNLICENSED	:	
PRACTICE OF OPHTHALMIC	:	
DISPENSING IN THE STATE OF	:	
NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians (the "Board") upon receipt of information which revealed that Boris Mager, (Respondent), an owner and manager of Cohen's Fashion Optical, located at the Monmouth Mall, 180 State Route 35 South, Eatontown, New Jersey 07724, practiced ophthalmic dispensing without a license. The investigation revealed a probable violation of N.J.S.A. 52:17B-41.18.

Respondent advised the Board that he has been an owner of Cohen's Fashion Optical since 2004 together with his partner Aleksey Zhukov and that he manages the store. Respondent acknowledges that he does not hold any professional or occupational license in any state. Respondent admits that he has repeatedly engaged in ophthalmic dispensing at Cohen's Fashion Optical in Eatontown, that he knew that the store operated many hours without a licensed ophthalmic dispenser, that unlicensed individuals were engaging in ophthalmic dispensing at the store, and that he used the initials "JR" (the initials of an employee who was formerly licensed) as the optician who dispensed eyewear.

Having reviewed the entire record, including the report of an inspection performed on January 31, 2011 by the Division of Consumer Affairs, Enforcement Bureau, the Board found that respondent practiced ophthalmic dispensing without a license and permitted unlicensed individuals to practice ophthalmic dispensing. These facts establish a violation of N.J.S.A. 52:17B-41.18.

It appearing that the parties desire to resolve this matter without recourse to formal proceedings, respondent waiving any right to a hearing and for good cause shown,

IT IS ON THIS 10th DAY OF August, 2011

HEREBY ORDERED AND AGREED THAT:

1. Respondent shall immediately cease and desist from engaging in, or holding himself out as engaging in, the practice of

ophthalmic dispensing in the State of New Jersey unless and until he is licensed by the Board.

2. Respondent shall cease and desist from permitting any unlicensed individual from practicing as an ophthalmic dispenser or ophthalmic technician.

3. Within fifteen (15) days of the filing of this Order, Respondent shall submit a business plan for Cohen's Fashion Optical in Eatontown demonstrating that there is a licensed ophthalmic dispenser at the premises during all hours of operation, including a schedule of the days and hours of employment of all licensees at the premises, and ensuring that each individual who engages in the practice of ophthalmic dispensing has a current license to practice ophthalmic dispensing in New Jersey. The business plan shall be to the satisfaction of the Board and approval shall not be unreasonably withheld.

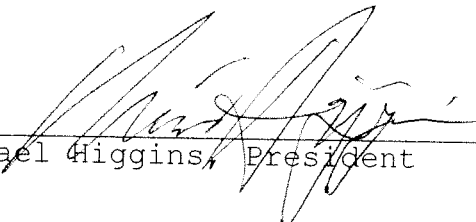
4. Respondent agrees to cooperate with unannounced, random inspections of the premises to assure compliance with the Consent Order.

5. A hearing on the assessment of civil penalties for repeated practice as an ophthalmic dispenser without a license, pursuant to N.J.S.A. 45:1-18.2, is scheduled before the Board on August 10, 2011 at 11:30 a.m. at 124 Halsey Street, 6th floor. Any briefs or submission by respondent regarding the amount of the civil penalty shall be submitted in writing to the Board no later than August 1, 2011. Any reply brief or submission by the Attorney General shall

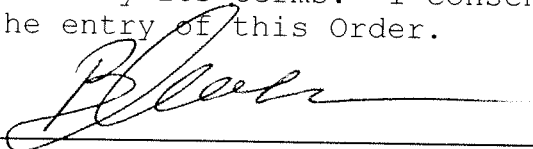
be submitted to the Board and served upon respondent no later than August 5, 2011. In the event respondent fails to appear on August 10, 2011 respondent agrees and acknowledges that the Board can assess civil penalties based upon respondent's admissions in the within Order, the Enforcement Bureau Inspection report, and any additional submissions by respondent and/or the Attorney General; without further opportunity for respondent to appear for a hearing.

NEW JERSEY STATE BOARD OF OPHTHALMIC
DISPENSERS AND OPHTHALMIC TECHNICIANS

By: _____


Michael Higgins, President

I have read and I understand
this Consent Order and agree to
be bound by its terms. I consent
to the entry of this Order.


Boris Mager